

REMARKS

This Amendment is respectfully submitted in response to the Office Action of November 19, 2004. It is timely in view of the Petition for Extension of Time submitted concurrently herewith.

The claims have been amended so as to cancel without prejudice claims 6, 18-54, 56-61, 63-69 and 71-105. They have also been amended to remove reference in claim 1 to subject matter that appears in the claims of parent U.S. Patents Nos. 6,372,779 and 6,509,369. Claims 1 and 55 have also been amended to indicate that the substituent(s) R¹ does not necessarily appear at a fixed position on the ring. Claim 55 has been made into an independent claim and claim 62 now depends from claim 55. Claims 1 and 55, the definition of Y has been clarified to be -H,H-. Claim 70 has been amended to clarify the antecedent basis of "formula(I)" and to indicate that an "anti-inflammatory effective amount" of the compound be used in the method of the invention. Basis for this amendment may be found in the specification at page 15, l. 6-12.

The Office Action of November 19, 2004 redefined the groups set forth in the restriction requirement. Although applicants continue to respectfully traverse the restriction, they have amended the claims without prejudice in order to expedite prosecution.

The Office Action of November 19, 2004 rejected claims 1-5, 7-17, 49-53, 55-70 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action outlined five bases for this rejection. Applicants respectfully request reconsideration of this rejection in light of the foregoing amendments to the claims and the ensuing discussion.

Applicants respectfully submit that, as to claims 49-53 and 63-69, the foregoing rejection is moot in view of the cancellation of these claims. With respect to claim 1, the depiction of R¹ has been amended in order to indicate that these substituents need not be located in a fixed position. With respect to claims 1 and 55, the definition of Y has been clarified to be -H,H-. With respect to claim 16, this claim has been amended to refer to

claim 1. Claim 70 has been amended to indicate that an "anti-inflammatory effective amount" of compound should be administered and that the compound of formula (I) refers to the formula defined in claim. Applicants respectfully submit that these amendments merely clarify the format and do not affect the breadth or scope of the claims. Applicants respectfully request reconsideration of the rejection under 35 U.S.C. 112 second paragraph.

Claims 49-53, 56-61, 63-69 and 74 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 15-32, 34 of U.S Patent No. 6,509,369. Applicants respectfully request reconsideration of this rejection in view of the cancellation without prejudice of claims 49-53, 56-61, 63-69 and 74.

Claims 1-5, 7-17, 55, 62 and 70 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,609,369. Applicants respectfully request reconsideration of this rejection in view of the submission of a Terminal Disclaimer concurrently herewith. This Terminal Disclaimer also refers to parent U.S. Patent No. 6,372,779.

In view of the foregoing discussion, amendments to the claims and accompanying Terminal Disclaimer, applicants respectfully request reconsideration of the rejections set forth in the Office Action of November 19, 2004.

An early allowance is earnestly solicited. Please address any questions regarding the foregoing to the undersigned.

Respectfully submitted,

/Andrea L. Colby/

Andrea L. Colby
Attorney for Applicants
Reg. No. 30,194

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2792
May 19, 2005